

FILED
2024 NOV 4 AM 7:40
CLERK
U.S. DISTRICT COURT

Russell Greer
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Pro Se Litigant

IN THE UNITED STATES DISTRICT COURT DISTRICT FOR
THE DISTRICT OF UTAH

RUSSELL G. GREER,

Plaintiff

v.

JOSHUA MOON, publisher of the website
Kiwi Farms, & ET AL

Defendants

**PLAINTIFF'S RESPONSE IN
OPPOSITION to ECF #171**

Case No.: 2:24-cv-00421-DBB-JCB

Judge
Magistrate Judge:

Plaintiff replies to Defendants and says:

Defendants, in their Motion for a Conference, say that Greer didn't comply with ECF 60, which stated that undersigned counsel was supposed to say "which provisions are contested and which are not." (ECF 171, page 1, paragraph 2).

However, Defendants are either unaware or are ignoring that Greer wasn't going off of ECF 60. Greer was going off of ECF 167, which was a Docket Text Order. The DTO stated:

"The court HEREBY ORDERS Mr. Greer to propose a schedule to Defendants in the form of a draft Attorney Planning Meeting Report on or before October 18, 2024. Defendants shall have until October 25, 2024 to respond to Mr. Greer with their proposed schedule. On or before November 1, 2024, the parties shall file either a stipulated motion for scheduling order or, if the parties are unable to stipulate to a litigation schedule, separate proposed scheduling orders. Thereafter, the court will review the contested provisions and enter a final Scheduling Order. Signed by Magistrate Judge Jared C. Bennett on 10/11/2024. (docket text order; no attached document)." **EXHIBIT A.**

No where in the 10-11-24 DTO did it require Plaintiff to contest individual provisions. The DTO simply required Plaintiff to propose a schedule. He did that. In fact, he even asked Defendants what they wanted in a stipulated schedule and Mr. Hardin got annoyed with Plaintiff.

EXHIBIT B.

Greer proposed to Defendants the same schedule he had filed inadvertently with this Court in his Motion for Leave to file.

Defendants filed their schedule.

Following the DTO's wording, the parties could not stipulate to a joint schedule and so Plaintiff, per the DTO, wasn't required to say what he disagreed with, but rather simply was allowed to plainly and simply say he disagrees and for the parties to file their individual schedules with the Court for the Court to decide a final schedule. That was in compliance with the DTO's wording.

Requiring a hearing is unnecessary because Plaintiff fully complied with the DTO and therefore a conference would be adding more delay to a resolution to this case.

Respectfully submitted,



By:

Russell Greer

Pro Se Litigant

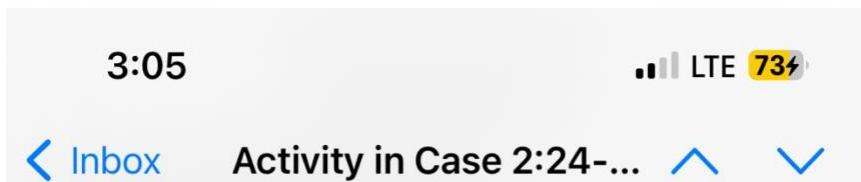
/rgreer

11-1-24

Certificate of Service

Plaintiff affirms that service was made to Defendants via ECF on 11-1-24 and that said attorney for defendants is Matthew Hardin.

EXHIBIT A



Case Name: Greer v. Moon et al
Case Number: [2:24-cv-00421-DBB-JCB](#)
Filer:
Document Number: 167(No document attached)

Docket Text:

DOCKET TEXT ORDER. The court HEREBY ORDERS Mr. Greer to propose a schedule to Defendants in the form of a draft Attorney Planning Meeting Report on or before October 18, 2024. Defendants shall have until October 25, 2024 to respond to Mr. Greer with their proposed schedule. On or before November 1, 2024, the parties shall file either a stipulated motion for scheduling order or, if the parties are unable to stipulate to a litigation schedule, separate proposed scheduling orders. Thereafter, the court will review the contested provisions and enter a final Scheduling Order. Signed by Magistrate Judge Jared C. Bennett on 10/11/2024.
(docket text order; no attached document).
(lc)

2:24-cv-00421-DBB-JCB Notice has been electronically mailed to:

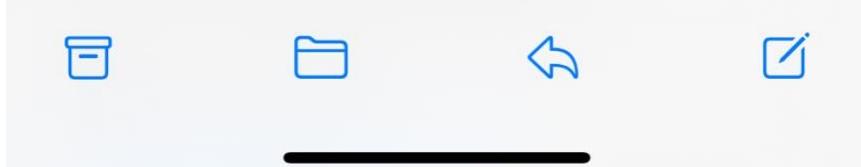


EXHIBIT B

3:41

5G 92%

< Sent

^ V

Found in Gmail Inbox



Russell Greer

10/16/24

To: Matthew & 1 more... >

Planning Report

Matthew,

To prevent another repeat of a non-consent notice, what are the dates you would like in the APMR so that I can file it?

Sent from my iPhone

Sent from my iPhone



3:41 5G 92%

< Sent Planning Report ^ v

On Oct 17, 2024, at 8:52PM, Russell Greer
russmark@gmail.com wrote:

I read it, again, and it wants me to propose
to you a draft planning report.

If there was any confusion as to my earlier
email to you, I was simply trying to ask you
re dates, so we could bypass the waiting
and just file a joint stipulation, as the order
says.

But I stand by the dates of the last APMR
and have attached the old copy.

Sent from my iPhone

On Oct 17, 2024, at 5:46 PM, Russell
Greer <russmark@gmail.com> wrote: